

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JULIA BASILE,

Plaintiff,
-against-

WALTER SPAGNOLA, individually,
DONNY ESCHRICH, individually,
KEVIN DELOWE, individually,
RICHARD IUELE, individually,
FABIO AMENDOLA, individually, and
NEW YORK STATE THRUWAY
AUTHORITY,

07 Civ.11247 (CLB/LMS)

**AFFIRMATION OF JONATHAN LOVETT
IN OPPOSITION TO MOTION TO
DISMISS FIRST AMENDED COMPLAINT**

Defendants.

-----X
JONATHAN LOVETT, an attorney duly admitted to practice before the
Courts of this State hereby affirms under penalty of perjury that the
following statement is true:

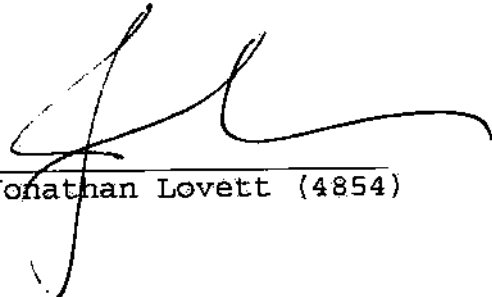
1. I am counsel to Plaintiff and submit this affirmation in
opposition to Defendants' motion to dismiss the first amended complaint
in this action.

2. Annexed hereto is a copy of Plaintiff's 2005 Charge of
Discrimination against the New York State Thruway Authority as filed
with the EEOC.

3. Also annexed hereto is a copy of Plaintiff's March 20, 2008,
Charge of Discrimination against the New York State Thruway Authority
as filed with the EEOC.

WHEREFORE the motion(s) to dismiss should in all respects be
denied.

Dated: White Plains, New York
March 31, 2008


Jonathan Lovett (4854)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse before completing this form

ENTER CHARGE

NUMBER

165-2005-
00440☐ FEPA
☐ EEOC

RECEIVED

NEW YORK STATE DIVISION OF HUMAN RIGHTS

(State or local Agency, if any)

and EEOC 07 FEB 2005

E.E.O.C. BULO

NAME (Indicate Mr.,)

DOB: 5/12/71

HOME TELEPHONE NO. (Include Area Code)

845-353-7744

Ms. Julia Basile

ss# 121-68-0550

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

28 Gail Drive, Nyack, New York 10960

Rockland

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME. (If more than one list below.)

NAME

NO. OF EMPLOYEES/MEMBERS

TELEPHONE NUMBER (Include Area Code)

New York State Thruway Authority

500+

914-561-02161

STREET ADDRESS

CITY, STATE AND ZIP CODE

200 Southern Boulevard, P.O. Box 189, Albany, N.Y. 12201

NAME

N/A

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ AGE ☒ RETALIATION ☐ OTHER

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (Month, day, year)

1/28/05


THE PARTICULARS ARE (if additional space is needed attach extra sheet(s)):

I am a thirty-three year old single mother of two children and by profession am a welder. On or about April 16, 2003, I was hired by the Respondent Authority and was assigned as the first female welder to work on the Tappan Zee Bridge. My immediate supervisor was Walter Spagnola, a married man of approximately fifty-five years of age. After a few months on the job, Spagnola began making repeated sexual advances towards Complainant, touching her legs, putting his arm around her, attempting to insert his tongue into her mouth, advising her that he wanted to "eat [her] like a sandwich", making sexually offensive telephone calls to her home, stalking her, overtly threatening her employment should she not acquiesce in his expressed sexual desires with regard to her, and otherwise systematically degrading Complainant and subjecting her to an intensely hostile work environment by reason of her gender. In that connection Spagnola was repeatedly, physically and verbally rebuffed by Complainant to no avail. Complainant repeatedly expressed to supervisory staff and the Respondent's E.E.O. staff her complaints regarding Spagnola's sexually threatening and physically offensive conduct - - only to be verbally threatened with retaliation by Spagnola. Although Spagnola's conduct with respect to Complainant was open, notorious and readily susceptible of documentation, Respondent feigned a half-hearted "investigation" through its E.E.O. staff, deliberately and falsely concluding that there was no hostile work environment and that no remedial, much less prompt and meaningful remedial action, needed to be taken. As a result of Respondent's on-going refusal to insure a safe work environment for Complainant, Spagnola's sexually offensive and intimidating behavior has continued unabated, including obscene gestures virtually daily at their joint workplace, staring at her by means of binoculars while she engaged in welding activities, and inter alia intentionally falsely accusing her of damaging government owned property - - substantially as a result of which accusation Complainant has been advised in writing by a high ranking supervisor that

disciplinary action with respect to her (but not Spagnola) is being pursued. Under the premises I charge Respondent with violating my rights, privileges and immunities as guaranteed me by reason of Title VII, 42 U.S.C. §2000e et seq.

☒ I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

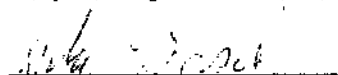
I declare under penalty of perjury that the foregoing is true and correct.


SIGNATURE OF COMPLAINANT

Julia Basile

NOTARY-(When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

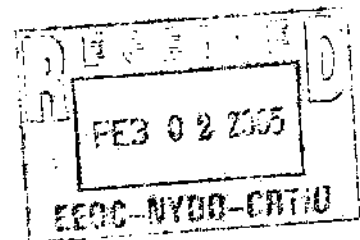

SIGNATURE OF COMPLAINANT

Julia Basile

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month and year)

January 28, 2005


ANN B. FRANK
Notary Public, State of New York
No. 01FR5022348
Qualified in Westchester County
Commission Expires January 10, 2006



CHARGE OF DISCRIMINATION

ENTER CHARGE
NUMBER

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☐ FEPA
☐ EEOC

NEW YORK STATE DIVISION OF HUMAN RIGHTS

and EEOC

(State or local Agency, if any)

NAME (Indicate Mr.,)

DOB: 5/12/71

HOME TELEPHONE NO. (include
Area Code)

845-353-7744

Ms. Julia Basile

ss:121-68-0550

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

28 Gail Drive, Nyack, New York

Rockland

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL
GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NO. OF EMPLOYEES/MEMBERS

TELEPHONE NUMBER (include
Area Code)New York State Thruway
Authority

500+

914-561-2161

STREET ADDRESS

CITY, STATE AND ZIP CODE

200 southern Boulevard, P.O. Box 189 Albany, New York 12201

NAME

TELEPHONE NUMBER (include
Area Code)

N/A

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX religion NATIONAL ORIGIN
☐ AGE ☒ RETALIATION OTHER
DATE MOST RECENT OR CONTINUING
DISCRIMINATION TOOK PLACE

(Month, day, year)

March 20, 2008

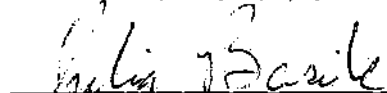
THE PARTICULARS ARE (if additional space is needed attach extra sheet(s)):

I am a female employed by the Respondent as a welder. On or about January 28, 2005, I filed with the EEOC a Charge of Discrimination premised upon "sex" and "retaliation" with respect to which the United States Department of Justice duly issued a Notice of Right to Sue by letter dated November 29, 2005. On the basis of that Notice, and with respect to other civil rights claims that I had separate and apart from that deriving from Title VII, I commenced a federal civil rights action in the United States District Court for the Southern District of New York against *inter alia* the Authority and a supervisor, Walter Spagnola, who was subjecting me to on the job sexual abuse and a hostile work environment [Basile v. Spagnola, 05 Civ. 10699 (LMS)]. The claim under Title VII was dismissed; the remaining claims were tried to a jury in the Spring of 2007 and resulted in a verdict in the principal sum of \$200,000, \$50,000 of which was punitive damages. Since the filing of the Charge of Discrimination, pre-trial, post-trial and continuing to date I have been the subject of on-the-job gender discrimination including multiple retaliatory attempts to kill me. I have also been subjected to repeated sabotaging of my equipment. Although the federal jury found that Spagnola had sexually abused me and denied me a workplace free from sex discrimination, following my return to work Spagnola was permitted by the Authority to remain at my regular workplace (the Tappan Zee Bridge) where his stalking and other retaliatory behavior continued - - along with that of other co-workers. I repeatedly in that connection requested that the Authority remove Spagnola from the Bridge, since he was the male predator. The Authority repeatedly refused to remove him. Out of desperation and for my personal health/safety, I recently was forced to accept a less prestigious job assignment at a location other than the Tappan Zee. Under the circumstances I charge Respondent with violation my rights as secured by 42 U.S.C. §2000e et. seq., and for retaliating against me for my having: i) filed the original Charge of Discrimination; ii) filed the referenced federal lawsuit; and iii) for

continuing to oppose gender discrimination which systemically permeates the Authority's workplace.

☒ I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.



SIGNATURE OF COMPLAINANT

Julia Basile, March 20, 2008

NOTARY-(When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month and year)